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7 Attorneys for Defendants

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 JORGE ADAN ARREOLA, ) No. C 08-777 JF

12 ) Plaintiff, )

13 ) v. )

14 ) MICHAEL B. MUKASEY, United States )

15 ) Attorney General; et al., )

16 ) Defendants. )

17 ) JOINT CASE MANAGEMENT  
STATEMENT AND PROPOSED ORDER

18 1. Jurisdiction and Service: Plaintiff brought this Complaint under 28 U.S.C. §§ 1331  
19 and 1361, and 5 U.S.C. § 701 *et seq.*, the Administrative Procedure Act. All parties have been  
20 served. Defendants argue that the Court lacks subject matter jurisdiction.

21 2. Facts: The parties agree to the following facts: On September 5, 2006, Plaintiff  
22 applied for naturalization. On January 17, 2008, Plaintiff filed the instant Complaint.

23 Defendants assert that Plaintiff's name check is still pending with the Federal Bureau of  
24 Investigation; accordingly, pursuant to 8 C.F.R. § 335.2(b), he has not yet been interviewed by U.S.  
25 Citizenship and Immigration Services.

26 3. Legal Issues: Defendants argue that the Court lacks jurisdiction over the subject  
27 matter of this action; in the alternative, Defendants argue the delay in this case was not unreasonable  
28 as a matter of law.

1       4. Motions: Defendants' motion for summary judgment will be heard on July 18, 2008.  
2 Plaintiff shall file a response in accordance with the local rules.

3       5. Amendment of Pleadings: None.

4       6. Evidence Preservation: None.

5       7. Disclosures: The parties agree that this Court's review will be confined to the  
6 administrative record and therefore this proceeding is exempt from the initial disclosure  
7 requirements under Fed. R. Civ. P. 26.

8       8. Discovery: There has been no discovery to date.

9       9. Class Actions: Not applicable.

10      10. Related Cases: None.

11      11. Relief: Plaintiff asks that the Court compel Defendants to adjudicate his application  
12 for naturalization, and asks for an award of attorneys' fees. This case does not involve damages.

13      12. Settlement and ADR: On May 14, 2008, the Court granted the parties' Joint Request  
14 to Be Exempt From the Formal ADR Process.

15      13. Consent to Magistrate Judge for All Purposes: The parties do not consent to assignment  
16 of this case to a United States Magistrate Judge.

17      14. Other References: None.

18      15. Narrowing of Issues: None.

19      16. Expedited Schedule: The parties believe this matter can be solved through the motions.

20      17. Scheduling: Defendants' Motion for Summary Judgment will be heard on July 18, 2008.  
21 In accordance with the local rules, Plaintiff shall file any cross-motion for summary judgment no  
22 later than 35 days prior to the hearing date.

23      18. Trial: None.

24      19. Disclosure of Non-party Interested Entities or Persons: None.

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1           20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this  
2 matter: None.

3           Dated: May 21, 2008

Respectfully submitted,

4           JOSEPH R. RUSSONIELLO  
5           United States Attorney

6           \_\_\_\_\_  
7           /s/  
8           MELANIE L. PROCTOR<sup>1</sup>  
9           Assistant United States Attorney  
10           Attorneys for Defendants

11           Dated: May 21, 2008

12           \_\_\_\_\_  
13           /s/  
14           REZA ATHARI  
15           Attorney for Plaintiff

### **CASE MANAGEMENT ORDER**

16           Pursuant to stipulation, IT IS SO ORDERED. The Joint Case Management Statement and  
17           Proposed Order are hereby adopted by the Court as the Case Management Order for the case.

18           \_\_\_\_\_  
19           JEREMY FOGEL  
20           United States District Judge

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28           \_\_\_\_\_  
I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any  
signatures indicated by a "conformed" signature (/S/) within this efiled document.